

MONTGOMERY COUNTY PUBLIC SCHOOLS

A Parent's/Guardian's Guide to Section 504 of the Rehabilitation Act of 1973

WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal law that protects the civil rights of persons with disabilities. The Act prohibits any organization that receives federal funds from discriminating against otherwise qualified individuals because of a disability. All elementary and secondary programs and activities are subject to the provisions of Section 504.

Montgomery County Public Schools (MCPS) Regulation ACG-RB, *Reasonable Accommodations and Modifications for Students Eligible Under Section 504 of the Rehabilitation Act of 1973*, describes MCPS procedures for implementing Section 504 for students. Copies are available online.

WHO IS ELIGIBLE?

Students with disabilities should be considered for eligibility and accommodations under Section 504 if they have a physical or mental impairment that substantially limits one or more major life activities. Section 504 defines major life activities as “functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, standing, lifting, bending, reading, concentrating, thinking, and communicating.” More than one major life activity can be implicated by the student’s impairment.

A diagnosis of a disability does not automatically qualify a student for eligibility under Section 504. Teachers or parents/guardians who feel a student may meet the criteria for Section 504 eligibility may request a Section 504 team meeting at the student’s school. The team includes school staff members, other specialists, the parents/guardians, and the student, if applicable. The team will review various sources of information (e.g., report cards, observations, medical reports, and other data) necessary to determine whether a student is eligible under Section 504. Not all students eligible under Section 504 require accommodations. The team must compare the student’s performance with that of their non-disabled peers to determine whether the effect of the student’s impairment requires accommodations in order to ensure that the student would be afforded an equal opportunity to access educational programs and activities. Some of the factors that the team may take into consideration are whether, compared with their nondisabled peers, a student—

- consistently needs more time to complete school tasks,
- regularly needs modification of school tasks,
- frequently demonstrates behavior that significantly interferes with access to educational programs, and
- needs assistance to care for self.

WHAT IS A SECTION 504 PLAN?

If a student meets the eligibility guidelines for accommodations under Section 504, a Section 504 Plan will be developed for the student to use in school. The plan specifies the nature of the impairment, the major life activity affected by the impairment, accommodations necessary to meet the student’s needs, and the person(s) responsible for implementing the accommodations.

It is the responsibility of the school to develop the Section 504 Plan. However, parents/guardians are an integral part of the Section 504 team and are included in the development of the plan. The student also is included when appropriate. A case manager will be assigned to notify teachers who work directly with your student about the plan and coordinate reviews on an annual basis, or as needed. MCPS uses an online platform for Section 504 Plans.

WHAT ARE MY PARENTAL RIGHTS?

Parents/guardians are entitled to the following:

- Have their student take part in, and receive benefits from, public education programs without being discriminated against on the basis of a disability.
- Receive notice regarding their student’s identification, evaluation, and/or recommended accommodations.
- Have their student receive a free appropriate public education. This includes the right to be educated with students who do not have disabilities, to the maximum extent appropriate.
- Have their student afforded opportunities—equal to those of students who do not have a disability—to participate in school programs and extracurricular activities sponsored by the school.
- Have the right to examine their student’s educational records and obtain a copy of those records.
- Have identification, evaluation, and placement/program decisions made based on information from a variety of sources, and by persons who know the needs of the student and the meaning of evaluation data and placement/program options.
- Have the right to seek resolution of issues if they are dissatisfied with any decision regarding the identification, evaluation, or placement/program of their student.

The MCPS Resolution and Compliance Unit, 850 Hungerford Drive, Room 208, Rockville, Maryland 20850, is responsible for monitoring MCPS compliance with Section 504. Parents/guardians may contact the MCPS Section 504 coordinator to appeal Section 504 decisions at 240-740-3230. A copy of the MCPS brochure, *Due Process Safeguards Information: Section 504 of the Rehabilitation Act of 1973*, which contains more details about Section 504, is available online.

WHERE CAN I LEARN MORE ABOUT SECTION 504?

Further information regarding Section 504 and accommodations may be obtained from the following sources:

School-based Section 504 coordinator	
MCPS Section 504 coordinator	240-740-3230
MCPS Resolution and Compliance Unit www.montgomeryschoolsmd.org/departments/special-education/compliance/section-504.aspx	240-740-3230
U.S. Department of Education Office for Civil Rights http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm	215-656-8541 1-800-421-3481

MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.**

For inquiries or complaints about discrimination against MCPS students*	For inquiries or complaints about discrimination against MCPS staff*
Director of Student Welfare and Compliance Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org	Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973	For staff requests for accommodations under the Americans with Disabilities Act
Section 504 Coordinator Office of Academic Officer Resolution and Compliance Unit 850 Hungerford Drive, Room 208, Rockville, MD 20850 240-740-3230 RACU@mcpsmd.org	ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*	
Title IX Coordinator Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215 TitleIX@mcpsmd.org	

*Discrimination complaints may be filed with other agencies, such as the following: U.S. Equal Employment Opportunity Commission (EEOC), Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); Maryland Commission on Civil Rights (MCCR), William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, 410-767-8600, 1-800-637-6247, mccr@maryland.gov; or U.S. Department of Education, Office for Civil Rights (OCR), The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.

**This notification complies with the federal Elementary and Secondary Education Act, as amended.

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) mcpsinterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.

Maryland's Largest School District

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